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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 92nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 September 1993, at 3 p.m.

Chairman: Mr. HAMMARBERG

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Report of Costa Rica (continued) (CRC/C/3/Add.8)

1. The CHAIRPERSON invited the delegation of Costa Rica to continue with its answers to the questions put at the previous meeting.

2. Mr. RHENAN SEGURA (Costa Rica), replying to questions on the definition of the child, said that the question of child labour was addressed in the chapter on social rights and guarantees of the Constitution and in labour legislation. Costa Rica had ratified the ILO Minimum Age Convention (No. 138) in 1974. There was no census information available to determine working conditions for minors; some small-scale surveys had, however, been undertaken and had identified a number of social and employment aspects to which attention should be paid. On the whole, information on breeches of labour legislation affecting minors was scarce because of a tendency not to submit complaints or to process them adequately and monitoring mechanisms had not been sufficiently developed. While minors were employed in a number of fields, the majority (33 per cent) were employed in agriculture, as the country's main exports - coffee and bananas - used a considerable amount of seasonal labour, which minors could provide after their school activities.

3. On the question of criminal responsibility, article 17 of the Criminal Code stated that the Code was applicable to persons over the age of 17. As previously stated, the Convention had not so far been invoked before a national court; however, if it were invoked, the provisions it contained setting the age of criminal responsibility at 18 would prevail. A revised criminal code was currently being drafted which could be expected to establish 18 as the age of criminal responsibility. While different ages were currently established as the age of majority under different civil and criminal legislations, it was expected that they would be brought into line in the course of legislative review. It should not be forgotten in that context that the matter was a complex one and there had been lengthy debate on the question of the age of majority at the time when the Convention was drafted.

4. Miss MASON noted that minors under 18 years of age were not allowed to work in places where intoxicating beverages were sold for immediate consumption and that it was forbidden to sell liquor to minors but that such regulations were not respected. While it was understandable that there might be some difficulty in policing all such places throughout the country, why was there a reluctance on the part of the Legislative Assembly to adopt appropriate procedures to enforce the regulations?

5. Mr. RHENAN SEGURA (Costa Rica) said that such places were numerous and existed in all parts of the country and that in practice there was little effective monitoring to deter their owners from selling liquor to persons who were under age. Those who were caught in the act were liable to be fined but the amount of the fine was relatively small.

6. Miss MASON, clarifying her concern on that point, asked for further information on the apparent reluctance to regulate procedures despite the fact that relevant draft legislation had been submitted to the Legislative Assembly.

7. Mr. RODRIGUEZ ALPIZAR (Costa Rica) said in reply that it was not so much a question of reluctance as of the priority of issues brought before the Legislative Assembly. The legislative agenda was very broad and in many cases it could take four or five years for legislation on some issues to be processed.

8. Mgr. BAMBAREN GASTELUMENDI, referring to paragraph 77 of the country reports (CRC/C/3/Add.8), asked what was the reaction of civil society to the comment by the Office for the Defence of Children and what priority was given to matters relating to the protection of children.

9. Mr. RHENAN SEGURA (Costa Rica) said that the comment concerned not just the rights of the child but the legislative approach to matters in general. Indeed, one of the purposes of the Office was to channel complaints and claims from members of the public in cases where the State was alleged to have failed, for bureaucratic or other reasons, to have carried out its obligations.

10. The CHAIRPERSON invited the delegation of Costa Rica to reply to the Committee's questions on general principles, which read:

"General principles

Non-discrimination (art. 2 of the Convention)

1. According to the report, progress has been made in implementing the provisions of article 2. Please indicate the major problems encountered in the process.

2. Please indicate specific and concrete measures taken to combat discrimination against girls, rural children, children belonging to minorities or indigenous communities, refugee children, asylum-seeking children, disabled children, including measures to eliminate and prevent discriminatory attitudes and prejudices.

3. What efforts are being made to collect disaggregated data for groups of children on aspects relating to the Convention?"

11. Mr. RHENAN SEGURA (Costa Rica), replying to question 1, said that specific objectives had been defined in the context of article 2 of the Convention, in programmes for children in difficult circumstances, with priority given to areas of the country where the implementation of basic policies was inadequate. Follow-up procedures had been introduced and steps had been taken to strengthen appropriate training components.

12. In reply to question 2, he said that the intention of the State was to provide the greatest possible well-being for its citizens, extending special protection to families, and particularly to mothers and children, to the

disabled and to the elderly. Where indigenous children formed the majority in educational institutions, they were offered a bilingual education. Indigenous persons were not discriminated against in any part of the country. Draft legislation was currently before the Legislative Assembly to set up a fund for indigenous peoples. Schools were being set up for disabled children. A campaign, for which audiovisual material had been prepared, had been launched in schools to make children aware of and respect differences among human beings. Refugees were given facilities to ensure their residence status and received support in the form of housing, food and education. The national body for refugees had played a very active role, particularly between 1979 and 1987 when large numbers of refugees had entered the country.

13. In reply to question 3, he said that data collection arrangements were made at administrative and judicial level; the information made available was expected to be processed and statistics published in time for the submission of Costa Rica's second report to the Committee.

14. Mr. MOMBESHORA said that paragraph 70 of the country report, which gave the impression that there was no discrimination in practice, appeared to be in contradiction with paragraph 73, which referred to reducing gender discrimination, and with the paragraphs immediately following. What procedure existed to investigate allegations of discrimination?

15. Mrs. SANTOS PAIS said that she had been interested to note the approach adopted by the National Committee on the Rights of the Child of trying to change the stereotypes of the role and work of women. What remedies could be adopted in cases of gender discrimination? Did a commission on equality exist, was there a special procedure to investigate matters relating to equality, and were they considered to be judicial rather than administrative matters?

16. Mrs. SARDENBERG noted that a considerable period of time had elapsed between Costa Rica's signature and ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Convention on Discrimination against Women. As there was evidence of discrimination against women and girls, what type of action was the Government considering to develop awareness on gender issues?

17. Mr. RHENAN SEGURA (Costa Rica), replying to Mr. Mombeshora's question, distinguished between racial discrimination and gender discrimination. The issue of gender discrimination had come to the fore only in recent years, with women's voluntary organizations actively promoting ways of combating discrimination against women. The Genuine Social Equality of Women Act had been promulgated in 1989 to ensure that women had the same rights as men in social and political institutions, with equal representation of men and women in political parties, educational institutes, courts, etc. Concerning racial discrimination, Costa Rica had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and was one of the few countries to have accepted article 14 which concerned the examination of communications from individuals or groups alleging to have been victims of discrimination by the State. Also in the context of racial discrimination, the campaign in schools which he had already mentioned was designed to promote an understanding of differences in colour, religion and culture.

18. Turning to Mrs. Sardenberg's comment, he explained that the interval between signature and ratification of instruments was due to the way the national legislative system was organized and was not specific to human rights instruments or within the control of the Executive Power to resolve. Human rights matters had tended not to be at the forefront of legislative concerns although there was currently a discussion within the country on the advisability of the automatic incorporation of international human rights instruments signed by Costa Rica into domestic legislation.

19. Concerning educational material, school textbooks were being reviewed to remove any examples of racial or gender discrimination, and particularly to overcome the stereotyping of male and female roles. In addition, campaigns were under way to have the female forms of norms, such as "jueza" or "alcaldeza", to replace "juez" (judge) and "alcalde" (mayor) respectively, formally accepted where such posts were held by women, despite the fact that such forms had not yet been accepted by the Spanish Royal Academy.

20. Mrs. SARDENBERG, observing that the legislative power in many countries tended to act in accordance with the priority attributed by public opinion to specific issues, wondered whether the legislative delay in the ratification of human rights legislation in Costa Rica might not reflect the fact that human rights matters were not a matter of priority concern in that country.

21. The CHAIRPERSON invited the delegation of Costa Rica to reply to questions raised by the Committee on the best interests of the child and the respect for the views of the child, which read:

"Best interests of the child (art. 3 of the Convention)

4. Please indicate whether any further measures are envisaged to ensure the implementation of the principle of the 'best interests of the child', in addition to those mentioned in paragraph 76 of the report.

Respect for the views of the child (art. 12 of the Convention)

5. What concrete measures have been taken to further sensitize public opinion to the need to encourage children's rights?

6. The report indicates that the views of children have been obtained through public opinion, consultations, assessment of complaints and accusations. Please indicate in which way these views of the child are reflected in the legal provisions or judicial decisions."

22. Mr. RHENAN SEGURA (Costa Rica) said that consideration had been given to the child as a subject of protection from the criminal and constitutional points of view, and training had taken place on that aspect. The Ministry of Education had launched a pilot project in some schools in urban areas whereby children had the opportunity to discuss whether the education they were receiving was the most appropriate; the project was expected to be extended to rural areas in the coming year. An experimental system had been introduced prior to national elections, whereby children had the opportunity to express their views on political candidates and take part in mock elections, the results of which were published. Results had been very positive.

23. In answer to question 5, he said that a programme had been set up, funded by the Latin American Institute for the Prevention of Crime, relating to crime as it affected children, and particularly street children.

24. Concerning question 6, the views of children were not so far reflected in legislative provisions or judicial decisions. However, where a child had been a victim of sexual abuse, his views might be taken into consideration during the proceedings.

25. Mrs. EUFEMIO, referring to the provisions in Costa Rican legislation allowing children from poor families to work, wondered whether it would not be in the best interests of the child if parents had alternatives to sending their children off to seek employment. Given the use of chemicals in agriculture, she also questioned whether it was in the best interests of the child to permit children to work in that sector.

26. Mgr. BAMBAREN GASTELUMENDI noted that Costa Rica had been successful in defending and protecting the rights of children. He asked what was the scope of the regional and provisional committees established for the follow-up of the rights of the child, referred to in paragraph 97 of the report; he also inquired whether schools and children's organizations had made progress in promoting children's rights and whether their experiences had covered the entire country.

27. He noted that Mr. Rhenan Segura had said that children were consulted before elections and that in 1990, children's elections had been held and the results taken into account when drafting plans of action. The Commission, made up of representatives of the executive, the legislature, the judiciary and the private sector, had been asked to prepare a harmonious and coherent policy by the end of 1992 in keeping with the needs of children and young people; he wondered what the results had been, whether the Commission's objectives were still valid, and whether the priorities indicated in the report had been embraced in economic, political and social policies at the national level. After all, certain economic policies might be detrimental to social policies and have an adverse impact on the situation of children.

28. Mrs. SANTOS PAIS asked whether children could lodge complaints with the Office for the Defence of Children, how the complaints were followed up, whether children were informed of the results of the follow-up action and whether the procedure was effective.

29. Mr. RHENAN SEGURA (Costa Rica), replying to a question by Mrs. Eufemio, said that although primary and secondary level schooling was free, families did incur some expenses, such as for clothing, books, educational materials and transport. That was a problem for some poor families, particularly in rural areas. Another problem was that as the children of the poor contributed to family income, children were often tempted to drop out of school, particularly with the beginning of the rainy season, when agricultural activity started. If a child dropped out of school at the age of 12 or less, the National Children's Trust offered basic assistance to families so that the children would not have to work. But sometimes the problems were such that the families wanted their children to seek employment.

30. Concerning the remarks by Mgr. Bambaren Gastelumendi on paragraph 97 of the report, he said that original and provincial committees established for the follow-up of the rights of the child were functioning effectively, and the grass-roots organizations were also working to ensure compliance with the Convention.

31. With regard to his Government's priorities, he had already spoken of the difficulties that had arisen as the result of the debt burden. Costa Rica was pursuing a liberal economic policy, but had not overlooked the social sector, and was particularly attuned to problems facing children in difficult situations.

32. As to the results of the work of the Commission to which Mgr. Bambaren Gastelumendi had referred, that body had prepared its report, which, to his knowledge, had been sent to the National Children's Trust two months' earlier, but he did not know what follow-up had been given to it.

33. The Office for the Defence of Children operated in the following fashion: a child could submit a complaint to the Office, whereupon an investigation was conducted by an official from that body and a report prepared. If the complaint proved to be justified, it was brought before the courts.

34. Regarding Mgr. Bambaren Gastelumendi's question on children's elections, he said that presidential candidates had their national platforms, which included children's issues. The platforms were studied by the children in school, and the children voted on them.

35. Mgr. BAMBAREN GASTELUMENDI said that there had been a reference to an election in 1990 in which children had identified their own policies.

36. Mr. RODRIGUEZ ALPIZAR (Costa Rica) said that there had been an election of sorts in 1990 in which children had expressed their opinions. The outcome of that election had been taken up by the programme being implemented by the body responsible for ensuring follow-up and evaluation of the Convention.

37. The CHAIRPERSON asked the delegation of Costa Rica to reply to the questions in the section on "Civil rights and freedoms", which read as follows:

"Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

1. Please provide data on the registration of births in rural areas and indicate measures of implementation, including sanctions in case of non-registration or late registration.

2. What steps are being taken to encourage the publication, dissemination and availability to all children of children's literature?

3. What legislative measures are being taken to protect children from the harmful influence of mass media?

4. What methods or concrete steps have been taken to investigate cases of ill-treatment of children and prevent further occurrences?

5. Is corporal punishment allowed in schools or other institutions for children? What specific legal provisions exist to protect children from being ill-treated? Are there complaint procedures which can be used by children against such violations?"

38. Mr. RHENAN SEGURA (Costa Rica), replying first to question 1, said that registration of births existed in rural areas, regardless of how remote they might be. The authorities in charge made available registration forms and other relevant papers had to be completed. The Church was very important in those remote areas. There were no penalties for failure to register, but Costa Rica was a civic-minded society, and neighbours would report to the authorities any failure to register a birth, because it implied abandonment or ill-treatment of the child. Failure to register a birth was, in fact, interpreted to mean that the parent or guardian had abandoned the child or was mistreating it.

39. Turning to question 2, he said that as primary and secondary schooling was mandatory, pupils had access to children's literature. Furthermore, buses fitted out as mobile libraries served all remote areas of the country, and educational programmes were also broadcast on television in those areas.

40. With regard to question 3, the Censorship Office, whose title was somewhat misleading, monitored violence on television and other harmful aspects of the mass media and decided on the schedule for television programmes. In his view, by condemning the media a priori as harmful, the Committee was prejudging the issue: the mass media could, in fact, play an important educational role.

41. Concerning question 4, the National Children's Trust and the Office for the Defence of Children both had inspectors to investigate cases of ill-treatment of children. In schools, children were taught what to do if they were the victims of ill-treatment.

42. In reply to question 5, he said that corporal punishment was strictly prohibited in Costa Rica, whether in schools or in other institutions for children. The school inspectors of the Ministry of Education closely monitored compliance. The National Children's Trust, which was responsible for the physical and mental well-being of children, could also involve itself in that matter.

43. Mgr. BAMBAREN GASTELUMENDI, speaking on civil rights and freedoms in general, stressed how important the Commission on the Rights of the Child was, and referred in particular to paragraph 134 of the report.

44. The CHAIRPERSON, moving onto question 2, said that the mobile libraries described by the delegation of Costa Rica was an interesting idea, and he hoped that other countries would learn from that experience.

45. Addressing the point raised by the delegation on question 3, he said that the Committee was not anti-media and appreciated the important role that they could play in promoting the rights of the child. In many countries, however, the portrayal of violence and other harmful aspects of the media could so poison children's minds that it was tantamount to violations of the rights of children.

46. The delegation of Costa Rica had said that efforts were made to arrange television programming so that children were in bed when certain programmes were shown. He asked whether that experience had been successful.

47. Miss MASON said that she had been shocked to read, in paragraph 113 of the report, that road accidents were the main cause of children's deaths, and she asked whether the media had a campaign to teach children about road safety.

48. With regard to paragraph 114, she inquired whether the media promoted efforts to reduce the high level of teenage pregnancy.

49. Mrs. EUFEMIO asked how many children were actually reached by the media in the efforts to heighten awareness for the rights of the child.

50. Mr. RHENAN SEGURA (Costa Rica), replying to the questions on the mass media, said that legislation on radio and television broadcasting provided that television programmes containing certain types of violence could not be shown, and that other programmes could only be broadcast after a certain hour in the evening, which he believed to be 9 p.m. When such programmes came on the air, they began by stating that they were not suitable for children below the age of 12 or 14, depending on the material. Parents were responsible for ensuring that their children did not watch those programmes. An extensive information campaign on that issue was also being broadcast on television. He personally was pessimistic about the outcome: in the current age of pornographic videos and cable TV, children watched virtually anything they wanted to once their parents were away. That was a worldwide problem. It was difficult for parents to monitor what their children were watching.

51. A new version of the sex education guide had recently been approved but there were differences of opinion between conservatives led by some elements of the Catholic Church and those who favoured a more liberal approach. There had been intensive sex education campaigns in the media since AIDS had become a problem.

52. Military service had been abolished in Costa Rica in 1948. However, there was compulsory social service for university graduates who, on completing their studies, were required to work for the State without remuneration for three to six months, depending on their field of specialization.

53. Mrs. BELEMBAOGO asked whether there were any regulations governing cinema attendance by minors and, if so, whether they were strictly complied with.

54. Mr. RHENAN SEGURA (Costa Rica) replied that a committee of the Censorship Office graded films according to whether they were suitable for general viewing or should be restricted to those over 18 or over 12 years of age. Compliance with the regulations was strictly controlled in cinemas. Persons were required to produce proof of age and identity in cases of doubt.

55. With regard to road accidents, a road safety programme was organized by the Ministry of Public Works and Transport in a kind of miniature town where students learned about the rules of the road. A new Traffic Act with severe penalties for transgressors had been promulgated in June 1993.

56. The CHAIRPERSON drew attention to the section of the list of issues entitled "Family environment and alternative care" in document CRC/C.4/WP.5, which read:

"Family environment and alternative care
(Arts. 5, 18, 9, 10, 27 para. 4, 20, 21, 11, 19, 25 and 39 of the Convention)

1. Please provide information on children born out of wedlock.

2. What procedures exist to regulate the care of children of divorced parents? What procedures exist to ensure that the child is not deprived of maintenance? What course of action is taken when a parent does not comply with the maintenance provisions or requirements?

3. What specific measures are taken to ensure the right of the child to be in contact with both mother and father in cases of separation?

4. What legislative measures have been adopted to protect the child against abuse and maltreatment within the family, as laid down in article 19 of the Convention?

5. Please describe the procedures for monitoring the institutions for alternative care.

6. What are the main causes of abandonment of children and the proportions of rural vis-à-vis urban children in that situation?

7. Please describe the procedures for national and inter-country adoption including monitoring and supervision. What measures are taken to ensure that parents giving up their children for adoption are allowed sufficient opportunity to weigh the consequences and alternatives? At what age can a child influence a decision on adoption?"

57. Mr. RHENAN SEGURA (Costa Rica), replying to question 2, said that in the case of single mothers the National Children's Trust provided food subsidies and assisted in establishing paternity.

58. In reply to questions 2 and 3, he said that children of divorced parents were offered psychological help and there was a system for ensuring that visiting rights were respected. Parents who failed to provide maintenance

were fined and persons liable for maintenance had to produce a document testifying that they had fulfilled all such obligations before they were allowed to leave the country.

59. With regard to child abuse and maltreatment within the family (question 4), he said that while there were no specific legislative measures as yet, existing legislation was being adapted to meet the purpose. Psychologists and social workers had developed investigative techniques to establish the type of treatment required in individual cases.

60. In reply to question 5, he said that IMAS (Joint Social Assistance Institute) and the National Children's Trust were responsible for monitoring institutions for alternative care.

61. The main causes of abandonment of children (question 6) included poverty, teenage pregnancies, prostitution and mental disorders in problem families. Such abandonment took place mainly in urban areas.

62. With regard to adoption (question 7), he said that all applications for inter-country adoption were channelled through the Adoption Department of the National Children's Trust. The requirements for adoption included provision of a character reference issued by the State concerned and a certificate of approval of the adoption, a certificate of economic status from an employer or the fiscal authorities, a medical report, a psychological profile of the couple prepared by a State-approved agency and a social study by an officially recognized body with a written commitment on the part of that body to monitor developments for a two-year period following the placement of the child. All documents had to be officially authenticated. Social psychologists and lawyers at the National Children's Trust studied the applications and sought to match the profile of the couple with that of the child for adoption. Prior to taking a final decision, the couple and child lived together for a two-week period during which they were monitored by a child welfare professional. In the early stages of adoption, the National Children's Trust provided legal advice and psychological guidance.

63. For national adoptions, the requirements included a psychological assessment of individual and family motivation and a profile of the couple. The child and prospective parents were matched by a board consisting of child welfare professionals and people in charge of homes for abandoned children. The child was handed over after an initial adaptation period. Follow-up services were provided, including psychological guidance.

64. Mrs. SANTOS PAIS asked whether there was any discrimination against or stigmatization of children born out of wedlock. What was the position with regard to inheritance rights?

65. Mrs. EUFEMIO inquired about procedures for registering the putative father if he acknowledged the child and for ensuring that the child had the name of a father if he did not.

66. Mr. RHENAN SEGURA (Costa Rica), replying to Mrs. Santos Pais, said that article 54 of the Constitution prohibited discrimination on grounds of filiation. There was no problem regarding inheritance rights if children had been recognized. If they had not, rights of inheritance were established through affiliation proceedings.

67. Mr. RODRIGUEZ ALPIZAR (Costa Rica) replying to Mrs. Bufemio, said that children born out of wedlock normally took the mother's name. If the father recognized the child, his name could be used for registration. If he did not, paternity proceedings could be instituted not so much for the sake of the name but to determine responsibility for maintenance.

68. Miss MASON asked whether the novel procedure of preventing people who were behindhand with maintenance payments from leaving the country was successfully implemented in practice. When fines were imposed for non-payment, who were the beneficiaries and what other means were available for the enforcement of maintenance?

69. Mrs. SANTOS PAIS asked whether Costa Rica was a State party to existing multilateral agreements on recovery of maintenance. She suggested that consideration might be given to the establishment of a public fund for the payment of maintenance where parents were unable to do so.

70. Mr. RHENAN SEGURA (Costa Rica) said that nobody, not even senior Government officials or diplomats, could leave the country without presenting a certificate of compliance with maintenance obligations. Moreover, needy parents could also request payment of maintenance by their children. There was no fine for failure to pay; offenders were imprisoned until such time as they had brought their payments up to date. Alternatively, a person's salary could be garnisheed to ensure that all obligations were met. The system was therefore 99 per cent effective and the Government did not need to operate a maintenance fund.

71. The CHAIRPERSON mentioned cases of conflict between a child's right to be in contact with his or her parents and the right to be protected against ill-treatment and abuse. What procedures were there in Costa Rica to deal with such contradictory situations?

72. Mr. RHENAN SEGURA (Costa Rica) replied that when a couple separated, a psychological evaluation was undertaken by the National Children's Trust. In the light of that evaluation, an administrative procedure designed to serve the best interests of the child was initiated. If no solution was found, the case was referred to the courts.

73. Mrs. SARDENBERG, referring to UNICEF figures for 1990 relating to Costa Rica, said that 90 per cent of pregnant girls under the age of 14 had been the victims of incest perpetrated by their fathers or close relatives. What measures was the Government taking to deal with that problem? She suggested that it might be an area for joint action with national or international non-governmental organizations.

74. The CHAIRPERSON, referring to the delegation's statement that there were no legislative measures in Costa Rica dealing with abuse and maltreatment within the family, asked whether the new version of the Minors' Code would contain provisions prohibiting such abuse.

75. Mr. RHENAN SEGURA (Costa Rica) said that the Minors' Code containing a long section on the problem of incest and sexual abuse, was currently being analysed by the Legislative Assembly. Specific programmes had been adopted by the National Children's Trust (PANI) targeting sexual abuse, incest and violence. In addition, Costa Rica had been involved with a pilot problem on family violence in conjunction with the United Nations Centre for Social Development and Humanitarian Affairs in Vienna, which also addressed the problem of ill-treatment, incest and sexual abuse.

76. The CHAIRPERSON said that when the Committee had discussed the problem of incest with other States parties, it had not only asked about the legal action taken and the research into the extent of the problem, but had also asked about the positive actions planned by the authorities, as the ill-treatment of children in their own homes was a major problem in almost all countries of the world. He therefore wondered whether Costa Rica was launching any kind of campaign to make it clear that that type of violence had no support whatsoever from the authorities.

77. Miss MASON observed that although sexual abuse within the family tended to be linked with poverty, it was also prevalent in wealthier families which often dealt with it by sending the child away to school or to relatives, sometimes abroad, and failed to deal with the psychological trauma and damage which it caused to the child.

78. Mr. RHENAN SEGURA (Costa Rica) said that the information available to him indicated that there was a large middle-class problem, particularly in the rural areas where the wealthier and more powerful families were able to keep the matter within the family. The problem was nevertheless widespread in Latin America and given the very painful nature of the issues involved and the way in which the problem was contained within the family environment, statistics were almost impossible to obtain.

79. In reply to Mr. Hammarberg, he said that campaigns on incest and the problem of sexual abuse generally were carried out for the most part by the National Children's Trust and the Office for the Defence of Children which followed up complaints and promoted educational campaigns. The Ministry of Justice had also been working on a number of major programmes as had the Latin American Institute for Crime Prevention.

80. Mgr. BAMBAREN GASTELUMENDI said that the problem could not really be said to exist among the small farmers or the poor as such, but rather to have grown up among people driven by poverty to the overcrowded slums clustered around urban areas.

81. The CHAIRPERSON invited the Committee to consider question 7 on adoption procedures.

82. Mrs. BELEMBAOGO expressed concern about the traffic in minors for adoption abroad referred to in paragraph 138 of the report (CRC/C/Add.8) and wondered whether it had resulted from shortcomings in the implementation of legislation or in the legislation itself, or whether arrangements with certain organizations or individuals were involved.

83. Mrs. SANTOS PAIS expressed concern at the emphasis placed on finding a child for an adoptive family rather than, in the best interests of the child, finding an alternative family for the child when the natural family had failed. It had not been clear, furthermore, to what degree adoption within the country took precedence over inter-country adoption and whether the same standards and safeguards applied to both systems.

84. In that connection, she wondered whether Costa Rica had acceded or planned to accede to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption recently adopted in The Hague, since its provisions were aimed at guaranteeing the same standards and safeguards for inter-country adoption as for national adoption.

85. Mrs. EUFEMIO asked in what way the process of adjustment and integration of the child into its new adoptive family was monitored or supervised in the host country, and whether arrangements had been made for that purpose with welfare agencies abroad, given the trial period of only two weeks in Costa Rica prior to the child being removed from the country.

86. On the subject of adoption within Costa Rica, she wondered whether psychological studies were carried out on the extended family's reactions to an adoptive child, and whether there were likely to be problems relating in particular to rights of succession within the family which might affect the child's integration.

87. Miss MASON asked to what degree fostering was used as an alternative to adoption in Costa Rica, in view of the number of people who did not wish to become involved in the legal implications of adoption, but were interested in giving a home to a child.

88. Mgr. BAMBAREN GASTELUMENDI expressed concern about the trade in children and wondered what administrative measures had been taken in that connection.

89. Mr. RODRIGUEZ ALPIZAR (Costa Rica), responding to the concern expressed by Mrs. Santos Pais, said that first of all there was always a waiting list of prospective adoptive parents, many of whom were anxious to take a child with certain characteristics. Secondly, a child would not be offered to any adoptive parents until the couple had satisfactorily completed the necessary adoption procedures for that child.

90. Mr. RHENAN SEGURA (Costa Rica), replying to a further question raised by Mrs. Santos Pais said that the major difference between national and inter-country adoption was that the international procedures were extremely strict and had even tighter controls than national adoption. There was also an extensive follow-up procedure through the National Children's Trust and Costa Rica's own diplomatic and consular authorities abroad.

91. On the question regarding the recently adopted Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, he said that Costa Rica had been involved in the Convention in the early stages but had been unable to send representatives to the later debates. Although the Convention fell more within private than public international law, the authorities were studying the possibility of accession.

92. Replying to the question raised by Mrs. Belembaogo on paragraph 138 of the report, he explained that following a major scandal throughout Latin America about children sent to the United States and European countries for the sale of organs, and debates at the national and international levels, the Special Committee set up by the Legislative Assembly to investigate the matter had concluded that no such traffic had taken place. Furthermore, the United Nations Special Rapporteur on the sale of children had stated that there was no positive information on the traffic in minors for the trade in organs, despite claims made by NGOs.

93. A scandal had also broken out on the question of the cost of international adoptions. The same Special Committee had investigated the problem and confirmed that the only costs involved in Costa Rica related to certain procedures such as the authentication of documents, consular fees, visits by prospective adoptive parents to Costa Rica, and the appointment of a proxy in cases where parents were unable to visit. The high costs reported had related to the charges made by a group of unscrupulous lawyers who had offered their services to families and institutions "to simplify the process". High charges had also been made by agents used by the proxies.

94. In response to Mrs. Eufemio's question on the extended family, he confirmed that studies were done where adoption was proposed not only on the parents but on th entire family. The National Children's Trust was responsible for follow-up and monitoring including cases of adoption abroad. The two-week trial period in Costa Rica was followed by three months of monitoring at the home of the adoptive parents.

95. On the question of fostering, the report had referred to the "little homes" programme set up by the Fundación "Hogarcitos", which were family groups homes run by couples who fostered up to 10 children on a normal family basis, enabling the children to pursue their education and other activities. The homes were privately run or financed by NGOs or even neighbourhood groups, and were to be found in various parts of the country.

96. Mrs. SANTOS PAIS said that in spite of the replies she still had the impression that the adoption system was run from the point of view of the adoptive family. No mention had been made of any concern to meet the child's needs for a family of its own, to continue its education or to ensure compatibility with adoptive parents in terms of ethnic, religious, cultural and linguistic background. To that extent there was a risk that national adoption would take second place to international adoption.

97. Although the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption did relate to private international law, accession to it would enable countries to negotiate bilateral agreements with other countries which would guarantee proper legal safeguards in the matter of the adoption itself, and of proper follow-up procedures.

98. Mrs. EUFEMIO asked which agencies or individuals abroad were currently responsible for the follow-up procedure in the host country and for assessing the bonding of the child with the adoptive family. If adoption abroad failed, would the child be returned to Costa Rica or placed with another adoptive family in the host country?

The meeting rose at 6.05 p.m.